

To: Dan Halden[daniel.halden@lacity.org]
Cc: Athena Chenoweth[athena.chenoweth@lacity.org]; Jeanne Min[jeanne.min@lacity.org]
From: Mike Dundas
Sent: Tue 9/20/2016 4:12:41 PM
Subject: Re: Need clarification re: Adrian Riskin CPRA Request

Hey Dan,






Keep emailing Athena for other questions, but I had seen this request from another CD before I left and here is what I told them.

You can try to respond that the request is not seeking an identifiable public record but there is a risk that a judge would disagree with this assessment. It seems likely that a judge would treat the chat client just like a word doc or email message. Assuming there was no chat client "running on your computer right at" the "moment" your received your request, you would have a better defense.

Assuming the request is seeking an identifiable document, you are not required to take a screen shot of your desktop because the file type that is created in a screen grab (the graphics file) is not one "that has been used by the agency to create copies for its own use or for provision to other agencies." My advice is that you print an image of the chat client onto paper and provide the paper copy.

Mike

On 9/19/16, Dan Halden <daniel.halden@lacity.org> wrote:

> Hi Athena,
>
> In Mike's absence I am emailing you. You may have heard of Adrian Riskin,
> a CD13 resident who has submitted well over 60 CPRA requests to CD13 over
> the past year or two.
>
> His latest CPRA request is below -- "I'd like to take a look at any chat
> or chats that is/are displayed in your chat client right at this moment."
>
> My understanding was that "chats" are not subject to the CPRA request; is
> that accurate? Any information is helpful.
>
> Thank you,
>
> <<http://s.wisestamp.com/links?url=http%3A%2F%2Fwww.cd13.com&sn=d2lsbGlhbS5heWFsYUBsYWNPdHkub3Jn>>
>
> *Dan Halden*
> Hollywood Field Deputy
>
> Office of Councilmember Mitch O'Farrell, 13th District
> 1722 Sunset Boulevard, Los Angeles, CA 90026
> (213) 207-3015 | www.cd13.com
>
>
> *Find the Councilmember on: * <https://www.facebook.com/CouncilmemberMitchOFarrell>  <https://twitter.com/MitchOFarrell>  <http://s.wisestamp.com/links?url=https%3A%2F%2Ftwitter.com%2FMitchOFarrell&sn=d2lsbGlhbS5heWFsYUBsYWNPdHkub3Jn>
>  <http://s.wisestamp.com/links?url=http%3A%2F%2Fwww.instagram.com%2Fmitchofarrell&sn=d2lsbGlhbS5heWFsYUBsYWNPdHkub3Jn>
>
>  http://www.youtube.com/channel/UCsQz6C1Ud6xzGXf18_t6pvQ
>
>
> ----- Forwarded message -----
> From: <adrian@chez-risk.in>
> Date: Mon, Sep 19, 2016 at 11:02 AM
> Subject: CPRA request (CD13.2016.09.19.a)
> To: Dan Halden <daniel.halden@lacity.org>
>
>

> Dear Dan,
>
> I'd like to take a look at any chat or chats that is/are displayed in
> your chat client right at this moment. If you need to discuss with
> anyone whether or not these constitute public records and, if so,
> whether or not they're exempt, I hope that you will preserve them via
> screenshot so that they're available should you all decide to release
> them.
>
> Thanks,
>
> Adrian
>

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